

Questions and Answers – Preliminary Scientific Findings of NOAA Fisheries’ Status Review of West Coast Salmon and Steelhead

Why is NOAA Fisheries reviewing the status of west coast salmon and steelhead?

The September 2001 ruling in Alsea Valley Alliance v. Evans (Alsea decision), set aside NOAA Fisheries’ 1998 ESA listing of Oregon Coast coho salmon. It ruled that the ESA does not allow NOAA Fisheries to list a subset of a distinct population segment or evolutionarily significant unit (ESU) by excluding hatchery fish within an ESU from listing. Although the court’s ruling affected only one ESU, the interpretive issue raised by the ruling called into question nearly all of the agency’s Pacific salmonid listing determinations involving ESUs with unlisted within-ESU hatchery populations. In response to the Alsea decision and several listing and delisting petitions received by the agency, NOAA Fisheries announced it would update the listing status of 27 salmon and steelhead ESUs in California, Oregon, Washington and Idaho. Updating the status of west coast salmon and steelhead will allow the agency to bring listings current by considering information since the last status reviews and listing determinations were made, and ensure that salmon and steelhead listings are consistent the Alsea case ruling.

Where is NOAA Fisheries in the process of conducting these updated status reviews?

For the past year NOAA Fisheries have been working with state, tribal and other federal biologists to develop the updated information and analyses needed to re-evaluate the status of each of the 27 ESUs under review. NOAA Fisheries’ Biological Review Team (BRT) for Pacific salmon and steelhead met recently to review this updated information, and to draw preliminary findings about the status of each ESU. The results of that review are included in the draft report “Preliminary conclusions regarding the updated status of listed ESUs of west coast salmon and steelhead.”

What is the relationship between these preliminary findings and NOAA Fisheries’ revision of its hatchery listing policy?

In response to the Alsea decision, NOAA Fisheries announced it would revise its policy on how it considers hatchery populations in making ESA listing determinations. The policy will more clearly articulate how the agency will consider artificial propagation in conducting ESA status reviews and listing determinations for Pacific salmon and steelhead, and will ensure that future listing determinations are consistent with the ruling in the Alsea case. The resolution of complex scientific and policy issues about the role of artificial propagation in listing decisions has delayed formal proposal of the hatchery listing policy. Evaluating the biological status of naturally spawning salmon and steelhead in the wild (the subject of the BRT’s preliminary findings), however, is a comparatively straight-forward matter. The hatchery listing policy under development will determine how the potential future effects of artificial propagation – both positive and negative – will be factored into the BRT’s findings, as well as how hatchery populations will be treated in ESA listing determinations.

Why is NOAA Fisheries distributing preliminary findings on the updated status of salmon and steelhead for review?

As part of the status review updates, NOAA Fisheries' Northwest and Southwest Fisheries Science Center are sharing a draft of the BRT's preliminary findings with state, tribal, and federal co-managers for their technical review. NOAA Fisheries is seeking this review to ensure that the data used are complete and up-to-date, and to obtain expert technical review of the BRT's analyses and preliminary findings. Through this co-manager review process NOAA Fisheries ensures that the status updates are based on the best available scientific and commercial information, as required under the ESA.

Do the preliminary findings indicate whether an ESU will be delisted, or listed as "threatened" or "endangered"?

No. These are just preliminary findings on the updated status of the concerned ESUs. These findings should not be interpreted as the agency's determinations on whether these ESUs should be listed or not under the ESA. Following this co-manager review, the BRT's findings will be finalized and considered by NOAA Fisheries as part of the listing determination process. In addition to the scientific findings of the BRT, NOAA Fisheries must take into account the protective efforts being made to protect salmon and steelhead. Only after considering whether such protective efforts mitigate the risk of extinction or endangerment will NOAA Fisheries propose updated listing determinations for the affected ESUs.

When will there be an opportunity for public input?

NOAA Fisheries will accept information and comments only from co-managers at this time. Comments received during the co-manager review period from interested groups or the general public will be entered into the administrative record, but will not be reviewed or formally considered. With the publication of the proposed listing determinations in the *Federal Register*, we will open a public comment period. We encourage interested parties and the public to provide additional information and comment during this public comment period. NOAA Fisheries will also hold several public meetings at which interested individuals are encouraged to discuss the proposed listing determinations and provide information and comments.

When will NOAA Fisheries propose the updated listing determinations?

NOAA Fisheries intends to propose the updated listing determinations in the *Federal Register* by November 2003. Following a public comment period and public meetings, the agency will develop its final listing determinations. The fisheries service intends to publish the final listing determinations by June 2004.